

MINUTE ENTRY

9:00 a.m.

RAY T. TENORIO -vs- RELIABLE COLLECTION AGENCY

PRESENT: Hon. Alex R. Munson, Chief Judge Presiding
Randy Schmidt, Law Clerk
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Court Deputy
Perry Inos, Attorney for Plaintiff
Ray T. Tenorio, Plaintiff
G. Anthony Long, Attorney for Defendants
Helen F. Sambrano, Defendant
Mario Espinosa, Defendant

PROCEEDINGS: BENCH TRIAL - Day One

Plaintiff was represented Attorney Perry Inos. Defendants were represented by Attorney G. Anthony Long.

Attorney Perry Inos gave opening argument.

Attorney Inos called witness:

HELEN F. SAMBRANO. (Reliable Collection Agency, Inc.) DX. Attorney Inos moved to admit Ex. 20 into evidence, there being no objection, Court so ordered. Attorney Inos moved to admit Ex. 3 into evidence, there being no objection, Court so ordered. Attorney Inos moved to admit Ex. 5 into evidence, there being no objection, Court so ordered. Attorney Inos moved to admit Ex. 2 into evidence, there being no objection, Court so ordered. Attorney Inos moved to admit Ex. 4 into evidence, there being no objection, Court so ordered. Attorney Inos moved to admit Ex. 7 into evidence, there being no objection, Court so ordered. Attorney Inos moved to admit Ex. 19 into evidence, there being no objection, Court so ordered.

Court recessed at 10:15 a.m. for morning break and reconvened at 10:35 a.m.

Attorney Long began CX of witness Sambrano. Attorney Long moved to admit Ex. I into evidence; there being no objection, Court so ordered. Attorney Long moved to admit Ex. J into evidence; there being no objection, Court so ordered. Attorney Long moved to admit Ex. K into evidence; there being no objection, Court so ordered.

Attorney Long offered Ex. 7A (a better copy of Pltfs. Ex. 7). RDX.

It was stipulated between counsel to invoke the practice not to have the witnesses present in the Courtroom prior to being called to testify. Court so ordered.

Attorney Inos called witness:

JOSEPH CABRERA MUNA. DX. RDX. Attorney Long moved to admit Ex. 7A and Ex. 17 into evidence, there being no objection, Court so ordered.

Attorney Inos called witness:

RAY T. TENORIO. (Plaintiff). DX. Attorney Inos moved to admit Ex. 6 into evidence. Attorney Long conducted Voir Dire of the witness regarding Ex. 6 and objected to the fax confirmations being admitted into evidence. Court received Ex. 6 without Fax confirmations. RDX re Ex. 6.

Court recessed for lunch break at 11:40 a.m. and reconvened at 1:34 p.m.

Attorney Long began CX of witness Ray T. Tenorio. RDX. RCX.

Plaintiff rested at 2:00 p.m. Attorney Long moved for a Judgment as a Matter of Law regarding the Ninth cause of action(Intentional Infliction of Emotional Distress). Attorney Inos argued. Court granted the motion. Attorney Long moved for a Judgment as a Matter of Law regarding the Eighth cause of action (Violation of Right to Privacy).

Attorney Inos argued. Court granted the motion. Attorney Long moved for a Judgment as a Matter of Law regarding the Seventh cause of action (Common Law Harassment in Attempting to Collect a Debt and Invasion of Privacy). Court, after hearing argument, took this particular motion under advisement. Attorney Long moved for a Judgment as a Matter of Law regarding the Sixth cause of action (Violation of Fair Debt Collection Practices Act - Failure to Comply with Validation of Debt Requirements). Court took this motion under advisement. Attorney Long moved for a Judgment as a Matter of Law regarding the Fifth cause of action (Violation of Fair Debt Collection Practices Act - Harassment, Oppression and Abuse). Court took this motion under advisement. Attorney Long moved for a Judgment as a Matter of Law regarding the Fourth cause of action (Violation of Fair Debt Collection Practices Act - Communicating with Plaintiff after Being Advised to Cease all Communications).

Court denied the motion at this time.

Attorney Long moved for a Judgment as a Matter of Law regarding the Third cause of action (Violation of Fair Debt Collection Practices Act - Communicating with Third Parties). Attorney Inos withdrew that Cause. Attorney Long moved for a Judgment as a Matter of Law regarding the Second cause of action (Violation of Fair Debt Collection Practices Act - Communicating with Plaintiff at His Place of Employment).

Attorney Inos argued. Court denied the motion at this time. Attorney Long moved for a Judgment as a Matter of Law regarding the First cause of action (Violation of Fair Debt Collection Practices Act - Communicating with Third Persons More than Once). Attorney Inos argued. Court denied the motion at this time.

Court recessed for afternoon break at 2:50 at 3:20 p.m.

Attorney Long moved that if there were any damages to be awarded that the only recovery allowable would be for the actual damages. Attorney Inos argued. Court took the matter under advisement. Attorney Long moved that if the statutory damage would \$1,000 a case and not for each cause. No argument from Attorney Inos. Court took the matter under advisement.

Attorney Long moved to admit Ex.'s C, D, E, and G into evidence. Court so ordered.

Attorney Long stated that Defense rested.

Court ordered that Findings of Facts and Conclusions of Law will be due on November 28, 2003 at 3:30 p.m. Points and Authorities also due on Rule 52 (c) motions.

Adjourned at 3:30 p.m.

; [KLL EOD 11/10/2003]

